

PHARMACY BOARD[657]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 147.76, the Board of Pharmacy hereby gives Notice of Intended Action to amend Chapter 19, “Nonresident Pharmacy Practice,” Iowa Administrative Code.

The amendments were approved at the August 27, 2014, meeting of the Board of Pharmacy.

The proposed amendments reorganize the provisions of rule 657—19.2(155A) into subrules, require notification to Iowa patients when a nonresident pharmacy intends to cease business in Iowa, and provide that a nonresident pharmacy may not cancel its license as a means of avoiding disciplinary action. The proposed amendments also provide that a nonresident pharmacy that is engaged in the compounding of sterile products must comply with rules in 657—Chapter 13 regulating the compounding of sterile products for Iowa patients.

Requests for waiver or variance of the discretionary provisions of Board rules will be considered pursuant to 657—Chapter 34.

Any interested person may present written comments, data, views, and arguments on the proposed amendments not later than 4:30 p.m. on October 21, 2014. Such written materials may be sent to Terry Witkowski, Executive Officer, Board of Pharmacy, 400 S.W. Eighth Street, Suite E, Des Moines, Iowa 50309-4688; or sent by e-mail to terry.witkowski@iowa.gov.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code sections 155A.13A and 155A.19.

The following amendments are proposed.

ITEM 1. Amend rule 657—19.2(155A) as follows:

657—19.2(155A) Application and license requirements. A nonresident pharmacy shall apply for and obtain, pursuant to provisions of 657—8.35(155A), a nonresident pharmacy license from the board prior to providing prescription drugs, devices, or pharmacy services to an ultimate user in this state.

19.2(1) Pharmacy license changes. Change of pharmacy name, ownership, location, or pharmacist in charge shall require a new completed application and license fee pursuant to 657—subrule 8.35(6).

19.2(2) Pharmacy discontinuing Iowa operations. A nonresident pharmacy intending to close or discontinue provision of prescription drugs, devices, and pharmacy services to Iowa patients shall notify the board and Iowa patients as provided in 657—subrule 8.35(7). The license of a nonresident pharmacy that provides such notice of intent to close or discontinue provision of services to patients in Iowa and that has returned to the board the nonresident pharmacy’s Iowa pharmacy license certificate shall be administratively cancelled within 30 days of the board’s receipt of the notice and license certificate. A nonresident pharmacy licensee that is under investigation or pending administrative charges shall not be permitted to cancel the nonresident pharmacy license in lieu of discipline.

ITEM 2. Amend subrule 19.3(3) as follows:

19.3(3) Compounding. A nonresident pharmacy engaged in the compounding of drug products as defined in 657—20.2(124,126,155A) shall comply with all requirements of 657—Chapter 20. A nonresident pharmacy engaged in the compounding of sterile drug products as defined in 657—13.2(124,126,155A) shall comply with all requirements of 657—Chapter 13.